UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,183	01/12/2001	Yoichiro Igarashi	FUJR 18.213	9980

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EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14, 16 and 18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14, 16 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed 05/11/2006.

2.   Claims 1, 16 and 18 were amended.

3.   Claims 15, 17 and 19 are canceled.

4.   Claims 1-14, 16 and 18 are pending in this office action.

Response to Amendment

5.   Applicant's arguments filed 05/11/2006 have been fully considered but they are not persuasive.   See Response to Arguments. The grounds of rejection as presented in the 11/14/05 office action, are essentially maintained with some clarifications made in light of applicant's amendment.

6.   Applicant's amendment necessitated the new ground(s) of rejection (Claim 16) presented in this Office action.

Claim Objections

7.   Claim 16 objected to because of the following informalities: In line 5, it appears that "home and foreign agent" should be "home and foreign agents". Appropriate correction is required.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

6,038,445 by Alperovich et al. (Alperovich).

10.   With respect to Claim 18, Alperovich et al teach a home agent located in an

administrative domain to which a user terminal belong, comprising:

- peer terminal interface means for interfacing with a peer terminal

communicating with the user terminal (Col. 3, lines 30-35),.

- tunneling control means for maintaining the location of the user terminal that is

visiting a foreign network, and tunneling packet for delivery to the user terminal (Col. 3,

lines 45-54); and

- service profile updating means for updating a service profile variably specifying

service that the user terminal requires depending on control conditions (Col. 7 line 13 -

Col. 8 line 19 and note Fig. 7).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 1-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 6,038,445 by Alperovich et al. (Alperovich) in view of U.S. Patent

6,480,715 by Pentikainen (Pentikainen).

13.   With respect to Claim 1, Alperovich teaches a network system comprising:

        (a) a home agent, coupled to the peer terminal, which maintains the location of

the user terminal and tunnels packets for delivery to the user terminal (column 3, lines

35-39; column 3, lines 45-54).,

        (b) a foreign agent which detunnels and delivers the packets to the user terminal

that is visiting a foreign network (column 3, lines 45-54, visiting mobile switching center);

        (c) a service control database which maintains a customizable service profile

defining what class of service to provide to the user terminal (column 3, lines 35-39;

column 4, lines 14-33, HLR);

        (d) a home server located in a first administrative domain to which the user

terminal belongs (column 3, lines 35-39,* column 3, lines 45-54, home PLMN; column 4,

lines 14- 33, HLR), comprising:

        service profile setting means for retrieving the service profile from said service

control database when the user terminal initiates a communication session (column 7,

lines 36- 67), and distributing and setting the retrieved service profile to said foreign

agent as an initial service profile, the service profile variably specifying services that the

user terminal requires depending on control conditions (Col. 7 line 13 - Col. 8 line 19,

also note Fig. 7), and

service profile updating means for generating an event signal when one of the

control conditions described in the retrieved service profile is met, obtaining a new

service profile from said service control database in response to the event signal, and

distributing the new service profile so as to replace the initial service profile being set in

said foreign agent (Col. 7 line 13 - Col. 8 line 19); and

(e) a foreign server located in a second administrative domain, which forwards

the initial service profile and new service profile from said home server to said foreign

agent (column 3, lines 45-53, visiting PLMN).

Alperovich is silent on the details of communications with a peer terminal and

does not disclose distributing and setting the retrieved service profile to both said home

agent and foreign agent as an initial service profile as well as distributing the new

service profile so as to replace the initial service profile being set in both said home and

foreign agent. Pentikainen teaches that a service profile will be retrieved and distributed

to both a home and foreign system (Col. 7 lines 62- Col. 8 line 3: group profile data,

which includes class of services -col. 2 lines 14-25 - is distributed to both a home and

foreign system).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the system disclosed by Alperovich and modify it as

indicated by Pentikainen such that the system further comprises service profile setting

means for retrieving the service profile from said service control database when the

user terminal initiates a communication session, and distributing and setting the

retrieved service profile to said home agent and foreign agent as an initial service

profile, the service profile variably specifying services that the user terminal requires

depending on control conditions, and service profile updating means for generating an

event signal when one of the control conditions described in the retrieved service profile

is met, obtaining a new service profile from said service control database in response to

the event signal, and distributing the new service profile so as to replace the initial

service profile being set in said home agent and foreign agent. One would be motivated

to have this, as it is desirable to reliably maintain profile data (In Pentikainen: Col. 5 line

56 - Col. 6 line 9 and Col. 2 lines 35-57).

14.   With respect to Claim 2, Alperovich in view of Pentikainen teaches the network

system according to claim 1, wherein said home server generates the event signal for

the update of the service profile by detecting at least one of: an event related to user

authentication (In Alperovich: Col. 3, lines 45-54), an event related to authorized use of

network resources (In Alperovich: Col.3, lines 45-54), and an event related to

accounting functions (In Alperovich: Col. 4, lines 30-34).

15.   With respect to Claim 3, Alperovich in view of Pentikainen teaches the network

system according to claim 1, further comprising a network control mechanism, which

informs said home server of an event that is detected therein, while supervising and

managing the network (In Alperovich: Col. 3, line 55 - column 4, line 13, Gateway

Mobile Switching Center (GMSCI).

16.   With respect to Claim 4, Alperovich in view of Pentikainen teaches the network

system according to claim 3, wherein said service profile updating means in said home

server obtains and distributes the new service profile in response to the event informed

by said network control mechanism (In Alperovich: Col. 8, lines 42-54).

17.   With respect to Claim 5, Alperovich in view of Pentikainen teaches the network

system according to claim 1, wherein said home agent performs route optimization

when a packet from the peer terminal is intercepted and tunneled to the user terminal,

keeps a record about the peer terminal that has been subjected to the route

optimization, and refers to the record to identify the peer terminal when a service profile

change request is received from said home server (In Alperovich: Col. 4, lines 5-10).

18.   With respect to Claim 6, Alperovich in view of Pentikainen teaches the network

system according to claim 1, wherein said home server allocates said home agent when

the user terminal initiates the communication session (In Alperovich: Col. 13, lines 45-

53, HLR).

19.   With respect to Claim 7, Alperovich in view of Pentikainen teaches the network

system according to claim 6, further comprising another foreign agent located within the

second administrative domain, and which sends a service profile change request

message to the user terminal's previous foreign agent when the user terminal has

moved and registered with said another foreign agent (In Alperovich: Col. 4, lines 13-

33).

20.   With respect to Claim 8, Alperovich in view of Pentikainen teaches the network system according to claim 6, further comprising: - another foreign server which covers a third administrative domain. (In Alperovich: Col. 4, lines 14- 33), and - another foreign agent which is located within the third administrative domain, - wherein said home server sends a service profile change request message to both the user terminal's previous foreign server and said another foreign server when the user terminal has moved and registered with said another foreign agent (In Alperovich: Col. 4, lines 14-33).

21.   With respect to Claim 9, Alperovich in view of Pentikainen teaches the network system according to claim 1, wherein said foreign server allocates said home agent when the user terminal initiates the communication session (In Alperovich: Col. 5, lines 1-24).

22.   With respect to Claim 10, Alperovich in view of Pentikainen teaches the network system according to claim 9, further comprising another foreign agent which is located within the second administrative domain, and which sends a service profile change request message to the user terminal's previous foreign agent when the user terminal has moved and registered with said another foreign agent (In Alperovich: Col. 7, lines 41-67).

23.   With respect to Claim 11, Alperovich in view of Pentikainen teaches the network system according to claim 9, further comprising: another foreign server which is located in a third administrative domain (In Alperovich: Col. 4, lines 14-33), and another foreign agent which covers another foreign network within the third administrative domain (In

Alperovich: Col. 4, lines 14-33), wherein said home server sends a service profile

change request message to both the user terminal's previous foreign server and said

another foreign server when the user terminal has moved and registered with said

another foreign agent (In Alperovich: Col. 4, lines 14-33).

24.   With respect to Claim 12, Alperovich in view of Pentikainen teaches the network

system according to claim 1, further comprising: an address translation server which

provides a service using predetermined address translation rules (In Alperovich: Col. 7,

lines 47-56; column 8, lines 21-41), wherein said service profile updating means in said

home server produces and distributes the new service profile when an event related to

the address translation rules occurs during the service (In Alperovich: Col. 7, lines 47-

56; column 8, lines 21-41).

25.   With respect to Claim 13, Alperovich in view of Pentikainen teaches the network

system according to claim 1, further comprising conflict avoiding means for avoiding a

conflict between said service profile updating means activated by the event signal

detected in said home server and a person who is attempting to modify the service

profile stored in said service control database (In Alperovich: Col. 8, lines 10-19).

26.   As per claim 14, Alperovich in view of Pentikainen teaches the network system

according to claim 13, wherein said conflict avoiding means deactivates the event signal

in case of conflict, and after the modification of the service profile is finished,

redistributes the service profile and reactivates the event signal (In Alperovich: 8, lines

10-19).

27.   With respect to Claim 16, Alperovich teaches a home server located in an

administrative domain to which a user terminal belongs, comprising:

        service profile setting means for retrieving a service profile from a service control

database when the user terminal initiates a communication session, and distributing and

setting the retrieved service profile to foreign agent that detunnel packets for delivery to

the user terminal, the service profile variably specifying services that the user terminal

requires depending on control conditions (Col. 7 line 13 - Col. 8 line 19, also note Fig.

7); and

        service profile updating means for generating an event signal when one of the

control conditions described in the retrieved service profile is met, obtaining a new

service profile from said service control database in response to the event signal, and

distributing the new service profile so as to replace the initial service profile being set in

the foreign agent (Col. 7 line 13 - Col. 8 line 19, also note Fig. 7).

        Alperovich further teaches a home agent that and tunnels packets for delivery to

the user terminal (column 3, lines 35-39; column 3, lines 45-54).

        Alperovich is silent on the details of communications with a peer terminal and

does not disclose distributing and setting the retrieved service profile to both said home

agent and foreign agent as an initial service profile as well as distributing the new

service profile so as to replace the initial service profile being set in both said home and

foreign agent. Pentikainen teaches that a service profile will be retrieved and distributed

to both a home and foreign system (Col. 7 lines 62- Col. 8 line 3: group profile data,

which includes class of services -col. 2 lines 14-25 - is distributed to both a home and foreign system).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the home server disclosed by Alperovich and modify it as indicated by Pentikainen such that the it further comprises service profile setting means for retrieving a service profile from a service control database when the user terminal initiates a communication session, and distributing and setting the retrieved service profile to home and foreign agent that detunnel packets for delivery to the user terminal, the service profile variably specifying services that the user terminal requires depending on control conditions; and service profile updating means for generating an event signal when one of the control conditions described in the retrieved service profile is met, obtaining a new service profile from said service control database in response to the event signal, and distributing the new service profile so as to replace the initial service profile being set in the home and foreign agents. One would be motivated to have this, as it is desirable to reliably maintain profile data (In Pentikainen: Col. 5 line 56 - Col. 6 line 9 and Col. 2 lines 35-57).

Response to Arguments

28.   Applicant's arguments filed 05/11/2006 have been fully considered but they are

not persuasive.

29.   Applicant argues on page 8 - "*In contrast to Pentikainen claims 1, 16, and 18 are

*clarified and recite: "server profile variably specifying services that the user requires

*depending on control conditions" (emphasis added). As pointed out above the service

*profile specifies what services the user terminal requires when it is in a particular

*condition, as opposed to the service profile of Pentikainen, which informs subscribers

(i.e. user terminals) of what servers are available to them."

        a.   Examiner's response - Pentikainen is only relied upon as teaching that a

service profile can be retrieved and distributed to both a home and foreign

system. This is the detail lacking from Alperovich, and Alperovich is combined

with Pentikainen to show that such a limitation is obvious.

        b.   Pentikainen is not relied upon to teach the service profile itself. Alperovich

already teaches the service profile, particularly one that variably specifies

services that the user terminal requires depending on control conditions (Col. 7

line 13 - Col. 8 line 19). Particularly, Alperovich teaches that the service profile

has "service area dependent subscriber data for a particular mobile subscriber"

(col. 7 lines 13-15). Fig. 7 is representative of this subscriber data and shows

how service features are correlated to different service areas. Such service

features are provided to the subscriber depending on the service area that

corresponds to the subscriber's current location. Because of this relationship,

the examiner interprets the different service areas as being different control

conditions related to the condition of the subscriber's location. Therefore

Alperovich teaches a service profile variably specifying services that the user

terminal requires depending on control conditions.

30.   Applicant argues on pages 8 and 9 - "*It is respectfully submitted that the features
of the service profile setting means and service profile updating means are neither
disclosed nor suggested by Alperovich...It is respectfully submitted that Alperovich fails
to show or suggest the service profile updating means recited in claim 18.*"

    c.   Examiner's response - Applicant's arguments are essentially conclusive

    statements with no factual reasoning or evidence as to how the claim language is

    distinguished from the Alperovich reference. Please see the response above for

    the examiner's interpretation of Alperovich.

31.   Any remaining arguments are either moot in view of the new grounds of rejection

or addressed by the responses above.

Conclusion

32.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

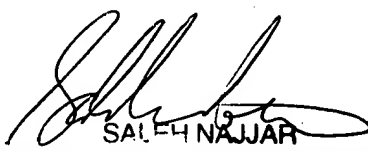TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Lazaro whose telephone number is 571-272-

3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David Lazaro
July 26, 2006

SALEH NAJJAR
SUPERVISOR PATENT EXAMINER